

weight; and (2) in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents.

On July 27, October 14, and November 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3797. Misbranding of peanut butter. U. S. v. 99 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 7394. Sample Nos. 80070-E, 80743-E.)

This product was short of the declared weight.

On April 23, 1942, the United States attorney for the Southern District of Ohio filed a libel against 99 cases, each containing 24 jars, of peanut butter at Portsmouth, Ohio, which had been consigned on or about March 25, 1942, alleging that the article had been shipped in interstate commerce by Standard Food Products, Inc., from Indianapolis, Ind.; and charging that it was misbranded in that the statement on the jar label, "Contents 1 Pound," was false and misleading since it was short of the declared weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. It was labeled in part: "Top-O Tops 'em all Peanut Butter Contents 1 Pound."

On May 21, 1942, Standard Food Products, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

FATS AND OILS

OLEOMARGARINE

3798. Misbranding of oleomargarine. U. S. v. Churngold Corporation. Plea of guilty. Fine, \$400. (F. D. C. No. 7242. Sample Nos. 48772-E, 64371-E.)

On July 31, 1942, the United States attorney for the Southern District of Ohio filed an information against the Churngold Corporation, Cincinnati, Ohio, alleging shipment on or about October 16 and 19, 1941, from the State of Ohio into the States of Pennsylvania and Florida of quantities of oleomargarine that was misbranded. The article was labeled in part: "Blue Ribbon * * * Oleomargarine."

It was alleged to be misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity had been prescribed by regulation as provided by law but which did not conform to such definition and standard since it contained less than 80 percent of fat, the amount required by the standard.

On August 7, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.

3799. Misbranding of oleomargarine. U. S. v. 106 Cases of Oleomargarine. Product ordered released under bond to be reprocessed and relabeled. (F. D. C. No. 7043. Sample No. 53697-E.)

On March 14, 1942, the United States attorney for the District of Utah filed a libel against 106 cases, each containing 30 pounds, of oleomargarine at Salt Lake City, Utah, alleging that the article has been shipped in interstate commerce on or about February 23, 1942, by Vegetable Oil Products Co., Inc., from Wilmington, Calif.; and charging that it was misbranded. It was labeled in part: "Sunnybank Vegetable Vitamin A Added Oleomargarine."

It was alleged to be misbranded: (1) In that the statement on the wrapper, "Vegetable Fat 81 percent," was false and misleading since it contained less than 81 percent of fat. (2) In that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and it failed to conform to such definition and standard since it contained less than 80 percent of fat.

On March 17, 1942, Safeway Stores, Inc., Salt Lake City, Utah, having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it be reprocessed and relabeled under the supervision of the Food and Drug Administration.

OLIVE OIL

3800. Adulteration and misbranding of oil. U. S. v. 55 1-Gallon Cans of Oil. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 2494. Sample No. 2827-E.)

On August 5, 1940, the United States attorney for the District of Maine filed a libel (amended October 1, 1940) against 55 1-gallon cans of oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or